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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,644	11/29/2001	Li-Wen Chen	HHPI-05000US1	5491
23910 7590 03/09/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3694	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/001,644	Applicant(s) CHEN ET AL.	
	Examiner Ella Colbert	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-103 is/are pending in the application.
- 4a) Of the above claim(s) 35-52 and 72-102 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-71 and 103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 35-103 are pending. Claims 35-52 and 72-102 have been withdrawn in response to the Election/Restriction requirement filed 12/15/06 and the Miscellaneous Communication to Applicant of 11/13/06. Group 4, Claims 52-71 and 103 will be examined. This election is without traverse.
2. The Change in Power of Attorney filed 12/11/06 has been entered.

Specification

3. The Specification is objected to because on page 1 the "CROSS-REFERENCES TO RELATED APPLICATIONS" section should recite U.S. Provisional Patent Application Serial No. 60/116,016, Li-Wen Chen entitled, "METHOD AND APPARATUS FOR PROCESSING CUSTOMER DATA FOR OLAP INTEGRATION AND APPLICATION INTEGRATION BASED ON REVERSE STAR SCHEMA," filed January 15, 1999.

The following commonly-owned co-pending applications, including this one, are being filed concurrently and the others are hereby incorporated by reference in their entirety for all purposes:

1. U.S. Patent Application Serial No. 09/483,385, Li-Wen Chen entitled, "METHOD FOR VISUALIZING INFORMATION IN A DATA WAREHOUSING ENVIRONMENT," pending; and
2. U.S. Patent Application Serial No. 09/483,386, Li-Wen Chen entitled, "SYSTEM FOR VISUALIZING INFORMATION IN A DATA WAREHOUSING ENVIRONMENT," issued as U.S. Patent No. 7,007,029 and any other applications that may need to be added.

Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 53 is objected to because of the following informalities: Claim 52, line 7 in the body of the claim recites "core component". This line would be better recited as

"core components". Claim 103, line 7 in the body of the claim has a similar problem.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 53, 71, and 103 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 53 and 71 contain a clause of intended use in the independent claims which renders the claims indefinite. Specifically, claim 53 after the third claim limitation on page 6, recites "wherein the focal group and the customized group comprise ...". This claim limitation would be better recited as ";and at least the focal group and the customized group comprise a reverse star schema meta model" or "... activity components, wherein the focal group and the customized group comprise a reverse star schema meta model".

The Examiner considers these limitations to only recite what is expected to happen, a desired result, or an intended use. The MPEP discusses a type of limitation in reference to "wherein" clauses. MPEP § 2111.04 states:

Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not

exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

- (A) "adapted to" or "adapted for" clauses;
- (B) "wherein" clauses; and
- (C) "whereby" clauses.

While a "thereby" clause is not enumerated in the list of examples above, the MPEP expressly states that the list is not exhaustive. In the instant case, the "thereby" clause has the same effect as the above phrases, in that the claim is ambiguous as to whether the "sensing device is able to generate the indicating data".

The MPEP also states in 2172.01:

... a claim which fails to interrelated elements as defined by applicant(s) in the specification may be rejected under 35 USC 112, second paragraph, for failure to point out and distinctly claim the invention.

Claim 71 the last claim limitation on page 9 has a similar problem.

Claim 103, page 15, line 11 contains a "wherein" clause. Examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

- (a) "adapted to" or "adapted for" clauses;
- (b) "wherein" clauses; and
- (c) "whereby" clauses.

The court noted (quoting *Minton v. Nat'l Ass'n of Securities Dealers, Inc.*, 336 F.3d 1373, 1381, 67 USPQ 1614, 1620 (Fed. Cir. 2003)) that a "whereby" (in this case

"wherein") clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited" Id<


Claims 54-70 are also rejected because they depend from a rejected base claim.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ELLA COLBERT
PRIMARY EXAMINER

February 27, 2007